

Dated: August 23, 1991.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 91-20780 Filed 8-29-91; 8:45 am]

BILLING CODE 3510-07-M

## Bureau of Export Administration

### Action Affecting Export Privileges; Delft Instruments N.V., et al.; Decision and Order on Renewal of Temporary Denial Order

In the matter of: Delft Instruments N.V., Oldelft, Old Delft, Olde Delft, Oude Delft, Delft Instruments Electro-Optics, Delft Electronische Products, and Optische Industrie Oude Delft with an address at: Van Mierevelstlaan 9 P.O. Box 72 Delft, Netherlands and OIP Instrubel with an address at: Rue De Sacqz 75 1060 Brussels, Belgium and Franke & Co. Optik GmbH with an address at: Philosophenstrasse 116 Postfach 5420 6300 Giessen/Lahn Germany, Respondents.

#### Background

On February 22, 1991, the Assistant Secretary for Export Enforcement issued an order temporarily denying the export privileges of Delft Instruments N.V., Oldelft, Old Delft, Olde Delft, Oude Delft, Delft Instruments Electro-Optics, Delft Electronische Products and Optische Industrie Oude Delft (hereafter collectively referred to as Delft) located in the Netherlands; OIP Instrubel (OIP), a Delft subsidiary located in Belgium, and Franke & Co. Optik GMBH (hereinafter referred to as Franke),<sup>1</sup> a Delft subsidiary located in Germany. This order expires on August 21, 1991. Pursuant to § 788.19 of the Export Administration Regulations (EAR), the Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (the department), has requested that the Assistant Secretary renew the order and modify it to name as related persons all known Delft subsidiaries not previously named.

Delft, through its attorneys, opposed the department's request and sought a hearing as authorized in the Export Administration Regulations.<sup>2</sup> The hearing was held on August 19, 1991.

#### Discussion

##### a. Renewal of the Order

The sole and only issue is whether the order should be continued to "prevent an imminent violation" of the Export

Administration Regulations.<sup>3</sup> The primary evidence proffered by the department to show the imminence of a violation is the actions by Delft, Franke, and OIP in shipping U.S. origin goods controlled under the arms Export Control Act<sup>4</sup> to Iraq without obtaining the necessary authorization from the Department of State. Delft has generally admitted these violations but argues that since they involved munitions items they are not relevant to a temporary denial order under the Export Administration Act.<sup>5</sup> Additionally, Delft argues that it has terminated, reassigned, or disciplined the employees responsible for the shipments and is implementing an internal compliance program to prevent future violations.

Establishing prior violations of the Export Administration Regulations is one way to establish that an imminent violation is likely to occur. It is not the only way. Here, the department has established that Delft ignored U.S. export controls in the past and, given the gravity of that action may likely do it again. That the past violations were of munitions controls is no guarantee that Delft would not supply goods controlled under the EAR in a future violation.

Delft claims that it has taken remedial steps so that a future violation is no longer likely. The evidence shows, however, that while Delft has begun to implement internal control measures, it is too soon to determine whether they are sufficient to prevent future harm.<sup>6</sup> Additionally, the delay with which Delft has addressed this issue calls into question its sincerity. The record suggests that Delft has not used the time since the discovery of these violations wisely.

Other claims of Delft are not relevant to the question of whether a violation is imminent. For example, Delft claims that it has suffered great financial hardship because of the temporary denial order and will suffer even more in the future. There is no doubt that there has been harm to Delft, but that fact is not relevant. (There may be some limited probative value from this evidence since

the harm which Delft has suffered may have had some deterrent effect on its employees.<sup>7</sup>)

##### b. Addition of Related Persons

The EARs provide that:

"In order to prevent evasion or circumvention of the temporary denial order, the \* \* \* renewal thereof can name and deny export privileges to, in addition to any person designated as a respondent, any other person who is then related to the respondent by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business."<sup>8</sup>

The parties dispute the meaning of this provision. Delft argues that the first phrase establishes a burden of proof for the department which requires it to show that each of the proposed related persons would be likely to cause an imminent violation. The department on the other hand argues that the first phrase merely sets out the purpose for the rule, not a burden of proof.

Other provisions of the EAR's demonstrate that the department's interpretation is correct.<sup>9</sup> The only question is the relationship between the proposed related persons and the named respondents. Since there is no dispute of the relationship here, the proposed related persons must be added to the order.<sup>10</sup>

<sup>1</sup> The department has presented evidence which even calls this deterrent effect into question. Delft attempted to acquire goods after the denial order was in effect at a time when its attorneys had asked the department whether the denial order prohibited such action. While the import of this episode is disputed, it does not serve as evidence of any change in philosophy at Delft.

<sup>2</sup> EAR § 788.19(a)(2).

<sup>3</sup> There are several provisions of the EARs which clarify the intent to the Secretary in this regard. First, related persons may not oppose the issuance or renewal of the order. EAR § 788.19(d)(2)(ii). If a related person appeals, he may only raise the issue of the relationship. EAR § 788.19(e)(2)(ii).

A person related to a denied person, even without being named in an order, is usually covered by the terms of the order. A person may not engage in an export transaction if a person denied export privileges "may obtain any benefit" from that transaction. EAR § 787.1(a)(2)(iii). (The order itself has similar language.) Clearly, Delft benefits from the sales of its related entities. Thus, naming all Delft-related entities only gives notice to the world about a preexisting legal disability.

<sup>10</sup> There are procedures for persons to seek to engage in a transaction otherwise prohibited by the order. After full notification of the facts, the Office of Export Licensing, in consultation with the Office of Export Enforcement, may authorize parties not named in the order to engage in transactions which would run afoul of it. EAR § 787.12(a). Such requests are dealt with on a case-by-case basis.

<sup>1</sup> "Franks & Co. Optik GmbH" in the order.

<sup>2</sup> EAR § 788.19(d)(2)(i).

<sup>3</sup> EAR § 788.19(d)(2)(i).

<sup>4</sup> 22 U.S.C. 2751, et seq.

<sup>5</sup> The Export Administration Act expired on September 30, 1990. Executive Order 12730 (55 FR 40373, October 2, 1990) continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706).

<sup>6</sup> Department's counsel asserts that the remedial efforts are not supported by affidavits or declarations. While there is no requirement that Delft make its assertions under oath or penalty of perjury, its claim is composed of unsupported conclusions made by counsel.



### c. Length of the Extension

The department has asked that the order be renewed for the maximum period of 180 days. In the interest of justice, however, this matter should be concluded before that time if possible. As discussed above, Delft's assertions that it has remedied the problem are not fully substantiated. They are insufficient to rebut the department's strong showing that there is a possibility of an imminent violation. If, however, the measures which Delft claims it is taking are completed in good faith, that could have a substantial impact on the continuing need for a denial order of this scope in the future. Consequently, I am renewing the order for 90 days.

The renewal period of short duration may impose a significant burden on the department to review the internal control program of Delft. This burden is justified given the extraordinary nature of the temporary denial order remedy and its unquestioned impact upon Delft. On the other hand, Delft should understand that anything less than full implementation of the internal compliance program that it argues will prevent imminent violations before the expiration of the 90 days term will call into serious question Delft's assertions of a commitment to export control compliance. If the department is satisfied of the effectiveness of the internal control program and other concerns are resolved prior to the expiration of the order, the remaining portion of the renewal period may be suspended.<sup>11</sup>

### Findings

Based on the record of this matter including the submissions of the parties and the oral arguments at the hearing held on August 19, 1991, I find that it is necessary to renew the order temporarily denying the export privileges of Delft Instruments N.V., Oldelft, Old Delft, Olde Delft, Oude Delft, Delft Instruments Electro-Optics, Delft Electronische Products and Optische Industrie Oude Delft; OIP Instrubel, and Franke & Co. Optik GmbH, and to the related entities described in the department's request for renewal, in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with these entities in goods and technical data subject to the Act and the Regulations,

<sup>11</sup> I express no view as to whether a working internal control program, by itself, would obviate the need for a further extension of the order.

in order to reduce the substantial likelihood that they will engage in activities which are in violation of the Act and the Regulations.

### Order

Accordingly, it is hereby *Ordered*:

I. All outstanding validated export licenses in which Delft Instruments N.V., Oldelft, Old Delft, Olde Delft, Oude Delft, Delft Instruments Electro-Optics, Delft Electronische Products and Optische Industrie Oude Delft, Van Miereveltlaan 9, P.O. Box 72, Delft, Netherlands; OIP Instrubel, Rue De Sacqz 75, 1060 Brussels, Belgium, or Franks & Co. Optik, GMBH, Giessen, Germany, appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Respondents Delft, OIP and Franks, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any export license application submitted to the department; (b) in preparing or filing with the department any export license application or reexport authorization, or any document to be submitted therewith; (c) in obtaining or using any validated or general export license or other export control document; (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. Such denial of export privileges shall extend not only to the respondent,

but also to its agents and employees and to any successor. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which either Delft, OIP or Franks is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services. Business organizations and individuals now known to be owned by or affiliated with the named respondents, and which are accordingly subject to the provisions of this order are:

Delft Instruments Nederland BV, Van Miereveltlaan 9, P.O. Box 5081, 2600 GB Delft, The Netherlands

BV Delft Electronische Producten, Dwazeleweg 2, P.O. Box 60, 9300 AB Roden, The Netherlands

Delft Instruments Electro-Optics BV, Van Miereveltlaan 9, P.O. Box 5083, 2600 GB Delft, The Netherlands

Delft Instruments Medical Imaging BV, Van Miereveltlaan 9, P.O. Box 5082, 2600 GB Delft, The Netherlands

Delft Instruments Medical Imaging BV, Vestiging Edisonstraat 22, P.O. Box 395, 8901 BD Leeuwarden, The Netherlands

Delft Instruments Physical Medicine BV, Rontgenweg 1, P.O. Box 810, 2600 AV Delft, The Netherlands

B.V. Enraf-Nonius Ermelo, Kerkdennen 36, P.O. Box 82, 3850 AB Ermelo, The Netherlands

B.V. Enraf-Nonius Limburg, Boschstraat 6, P.O. Box 75, 6440 AB Brunssum, The Netherlands

Delft Instruments Tank Gauging BV, Rontgenweg 1, P.O. Box 812, 2600 AV Delft, The Netherlands

Delft Instruments X-Ray Diffraction BV, Rontgenweg 1, P.O. Box 811, 2600 AV Delft, The Netherlands

Kipp & Zonen Delft BV, Mercuriusweg 1 P.O. Box 507, 2600 AM Delft, The Netherlands

Kipp & Zonen Veendam BV, De Zwaaiikom 16, P.O. Box 165, 9440 AD Veendam, The Netherlands

Linido BV, Weteringweg 7, P.O. Box 70, 2640 AB Pijnacker, The Netherlands

Delft Instruments International BV, Van Miereveltlaan 9, P.O. Box 103, 2600 AC Delft, The Netherlands

Enraf-Nonius Company (Ltd Pts), 390 Central Avenue, Bohemia, New York 11716 USA

Enraf-Nonius France S.A., 28 Ter Avenue de Versailles, F-93220 Gagny, France  
S.a.r.l.E.E.E.I., 38 Avenue Jose Nobre, 13500 Martiques, France

Enraf-Nonius GmbH, Obere Dammstrasse 8-10, Postfach 101023, D-5650 Solingen 1, Germany

Enraf-Nonius Ltd., Highview House, 165 Station Road, Edgware, Middlesex HA8 7JU, United Kingdom



Enraf-Nonius Scandinavia A/S,  
Hammerholmen 391, DK-2650 Hvidovre,  
Denmark

Enraf-Nonius Tank Inventory System Inc.,  
12503 Exchange Drive, Suite 536,  
Stafford, Texas 77477 USA

Steeg & Reuter Prazisionsoptik GmbH,  
Philosophenstrasse 118, Postfach 5420,  
6300 Giessen/Lahn, Germany

Instrubel NV, Westerring 19, B-9700  
Oudenaarde, Belgium

P.J. Kipp Vertriebs GmbH, Obere  
Dammstrasse 8-10, Postfach 101023, D-  
5650 Solingen 1, Germany

OIP NV, Westerring 21, B-9700 Oudenaarde,  
Belgium

Oldelft Crop. of America, 2735 Dorr Avenue,  
Fairfax, Virginia 22031 USA

Oldelft Electronic Instruments Srl, Via G.  
Armellini 20, 00143 Rome, Italy

Oldelft (Far East) Ltd., 7/F Wang Kee  
Building, 34-37 Connaught Road, Central  
Hong Kong

Oldelft International Trading Cy. NV, Kaya  
Flamboyen 9, Willemstad, Curacao/N.A.

Oldelft Japan Ltd., Kowa Building, 5th Floor,  
no. 6, 4-15-21 Nishi-Azabu, Minato-Ku,  
Tokyo 106, Japan

STS Forest V.O.F., Delft, The Netherlands

Revalin Instruments B.V., Delft, The  
Netherlands

Tropex A.G., Zurich, Switzerland

Datagraph A.G., Zug, Switzerland

Nederlandsch Indische Export Maatschappij  
B.V., Delft, The Netherlands

Industriele Houdster Maatschappij Odelca  
B.V., Delft, The Netherlands

Nederlandsch Optieken Instrumentenfabriek  
Dr. C.E. Bleeker B.V., Delft, The  
Netherlands

Beheermaatschappij Electroptik B.V., Delft,  
The Netherlands

Beheermaatschappij Oldelft B.V., Delft, The  
Netherlands

B.V. Enraf-Nonius Onroerend Goed, Delft,  
The Netherlands

B.V. Enraf-Nonius Technology, Delft, The  
Netherlands

Enfarm B.V., Delft, The Netherlands

Enrafimo, Delft, The Netherlands

Frantz Imaging, Inc., Irvine, California U.S.A.

Promicro, London, England

Linido Chattanooga, Chattanooga,  
Tennessee

Enraf-Nonius Ibericas, S.A., Madrid, Spain

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for,

obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States and subject to the Act and the Regulations.

V. In accordance with the provisions of § 788.19(d) of the Regulations, any respondent may, at any time appeal this temporary denial order by filing with the office of the Administrative Law Judge, U.S. Department of Commerce, room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order is effective immediately and shall remain in effect for 90 days.

VII. In accordance with the provisions of § 788.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

VIII. Department's counsel shall serve a copy of this order on each respondent and related person named herein. Further, department's counsel shall either cause this Decision and Order to be published in the *Federal Register*, or prepare and propose a shorter version of this document for the purpose of *Federal Register* publication and notification to the public. Such proposed order shall be served on opposing counsel prior to submission to me.

Dated: August 21, 1991.

Kenneth A. Cutshaw,  
Acting Assistant Secretary for Export  
Enforcement, Bureau of Export  
Administration, U.S. Department of  
Commerce.

[FR Doc. 91-20719 Filed 8-29-91; 8:45 am]

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## International Trade Administration

[A-427-096]

### Anhydrous Sodium Metasilicate From France; Final Results of Antidumping Duty Administrative Review

**AGENCY:** International Trade Administration/Import, Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review.

**SUMMARY:** On June 12, 1991, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on Anhydrous Sodium Metasilicate from France. The review covers one producer/exporter of the merchandise to the United States and the period January 1, 1990, through December 31, 1990. We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results of review.

**EFFECTIVE DATE:** August 30, 1991.

**FOR FURTHER INFORMATION CONTACT:** Lisa Boykin or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-5255.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 12, 1991, the Department of Commerce (the Department) published in the *Federal Register* (56 FR 26976) the preliminary results of its administrative review of the antidumping duty order on Anhydrous Sodium Metasilicate from France. The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended, (the Act).

##### Scope of Review

The merchandise covered by this review is Anhydrous Sodium Metasilicate. During the period of review the merchandise was classifiable under the Harmonized Tariff Schedule (HTS) numbers 2839.11.00 and 2839.19.00. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

This review covers one producer/exporter of Anhydrous Sodium Metasilicate from France to the United States, Rhone Poulenc Chimie de Base, and the period January 1, 1990, through December 31, 1990.



### Final Results of Review

We invited interested parties to comment on the preliminary results. We received no comments. The final results are unchanged from those presented in the preliminary results of review. We determine that a margin of 60 percent exists for the period January 1, 1990, through December 31, 1990, based upon the last reviewed period in which there were shipments.

Furthermore, as provided by section 751(a)(1) of the Act, a cash deposit of estimated antidumping duties based on the above margin shall be required on shipments of Anhydrous Sodium Metasilicate by Rhone Poulenc Chimie de Base. The cash deposit rate for any shipments of this merchandise produced or exported by any producers/exporters not covered in this review, but assigned a rate in the investigation or a previous review, will continue to be at the latest rate applicable to each of those firms. The cash deposit rate for all other exporters/producers not covered in this or any prior administrative review, and who are unrelated to Rhone Poulenc Chimie de Base or any previously reviewed firm, will be the same as the rate established for Rhone Poulenc Chimie de Base.

These cash deposit requirements are effective for all shipments of Anhydrous Sodium Metasilicate from France entered or withdrawn from warehouse for consumption on or after the date of publication of this notice, and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and (19 CFR 353.22).

Dated: August 21, 1991.

Marjorie A. Chorlins,  
Acting Assistant Secretary for Import  
Administration.

[FR Doc. 91-20905 Filed 8-29-91; 8:45 am]

BILLING CODE 3510-DS-M

### Short-Supply Determination: Withdrawal of Request for Certain Mirror-Polished Stainless Steel Sheet

AGENCY: Import Administration/  
International Trade Administration,  
Commerce.

ACTION: Notice of withdrawal of a request for a short-supply determination on certain mirror-polished stainless steel sheet with non-directional unbroken mirror finish.

SUMMARY: On August 22, 1991, Clark Metals, Inc. ("Clark") submitted a letter

to the Secretary of Commerce ("Secretary") withdrawing its July 25, 1991, request, under the U.S.-Japan steel arrangement, for a short-supply allowance for 150 metric tons of certain mirror-polished stainless steel sheet with a non-directional mirror finish for the period October 1991 through March 1992.

SHORT-SUPPLY REVIEW NUMBER: 55.  
EFFECTIVE DATE: August 23, 1991.

SUPPLEMENTAL INFORMATION: On July 25, 1991, Clark requested a short-supply allowance for 150 metric tons of certain mirror-polished stainless steel sheet with a non-directional mirror finish under Article 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products (the "U.S.-Japan arrangement") because domestic producers could not meet its needs for the period October 1991 through March 1992 and because it could not obtain sufficient supplies through regular export licenses to meet its needs for this period.

The Secretary established an official record on this short-supply request on July 25, 1991 (Case Number 55) in the Central Records Unit, room B-099, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Section 4(b)(4)(B)(i) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.106(b)(2) of the Department of Commerce's Short-Supply Procedures, (19 CFR 357.106(b)(2)) ("Commerce's Short-Supply Procedures"), require the Secretary to make a determination with respect to a short-supply petition not later than the 30th day after the petition is filed, unless the Secretary finds that one of the following conditions exists: (1) The raw steelmaking capacity utilization in the United States equals or exceeds 90 percent; (2) the importation of additional quantities of the requested steel product was authorized by the Secretary during each of the two immediately preceding years; or (3) the requested steel product is not produced in the United States. The Secretary found that none of these conditions exists with respect to the requested product and, therefore, considered this review under the 30-day guidelines. On August 6, 1991, the Secretary published a notice in the *Federal Register* announcing a review of this request and providing domestic steel producers/polishers an opportunity to comment. This notice stated that the Secretary would make a determination on this

short-supply review not later than August 23, 1991. On August 22, 1991, Clark submitted a letter to the Secretary indicating that it was withdrawing its July 25, 1991, request.

CONCLUSION: The Secretary considers Clark's July 25, 1991, petition for a short-supply allowance to be withdrawn. The Secretary's short-supply review with respect to the requested non-directional, mirror-polished stainless steel sheet is hereby terminated.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import  
Administration.

[FR Doc. 91-20906 Filed 8-29-91; 8:45 am]

BILLING CODE 3510-DS-M

### National Institute of Standards and Technology

[Docket No. 910807-1207]

RIN 0693-AA86

### A Proposed Federal Information Processing Standard for Digital Signature Standard (DSS)

AGENCY: National Institute of Standards  
and Technology (NIST), Commerce.

ACTION: Notice; request for comments.

SUMMARY: A Federal Information Processing Standard (FIPS) for Digital Signature Standard (DSS) is being proposed. This proposed standard specifies a public-key based digital signature algorithm (DSA) appropriate for Federal digital signature applications. The proposed DSS uses a public key to verify to a recipient the integrity of data and the identity of the sender of the data. The DSS can also be used by a third party to ascertain the authenticity of a signature and the data associated with it.

This proposed standard adopts a public-key signature system that uses a pair of transformations to generate and verify a digital value called a signature. The government has applied to the U.S. Patent Office for a patent on this technique. The government will also seek foreign patents as appropriate. NIST intends to make this DSS technique available world-wide on a royalty-free basis in the public interest. We believe this technique is patentable and that no other patents would apply to the DSS, but we cannot give firm assurances to such effect in advance of issuance of the patent.

The purpose of this notice is to solicit views from the public, manufacturers, and Federal, state, and local government users so that their needs can be considered prior to submission of this



proposed standard to the Secretary of Commerce for review and approval.

The proposed standard contains two sections: (1) An announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section which deals with the technical aspects of the standard. Only the announcement section of the standard is provided in this notice. Interested parties may obtain copies of the specifications section from the Standards Processing Coordinator (ADP), National Institute of Standards and Technology, Technology Building, room B-64, Gaithersburg, MD 20899, telephone (301) 975-2816.

**DATES:** Comments on this proposed standard must be received on or before November 29, 1991.

**ADDRESSES:** Written comments concerning the proposed standard should be sent to: Director, Computer Systems Laboratory, ATTN: Proposed FIPS for DSS, Technology Building, room B-154, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, room 6020, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Mr. Miles Smid, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-2938.

**SUPPLEMENTARY INFORMATION:** This proposed FIPS is the result of evaluating a number of alternative digital signature techniques. In making the selection, the NIST has followed the mandate contained in section 2 of the Computer Security Act of 1987 that NIST develop standards and guidelines to " \* \* \* assure the cost-effective security and privacy of sensitive information in Federal systems". In meeting this statutory responsibility, NIST has placed primary emphasis on selecting the technology that best assures the appropriate security of Federal information and, among technologies offering comparable protection, on selecting the option with the most desirable operating and use characteristics.

Among the factors that were considered during this process were the level of security provided, the ease of implementation in both hardware and software, the ease of export from the

U.S., the applicability of patents, impact on national security and law enforcement and the level of efficiency in both the signing and verification functions. A number of techniques were deemed to provide appropriate protection for Federal systems. The technique selected has the following desirable characteristics:

- NIST expects it to be available for public use on a royalty-free basis. Broader use of this technique resulting from public availability should be an economic benefit to the government and the public.
- The technique selected provides for efficient implementation of the signature operations in smart card applications. In these applications the signing operations are performed in the computationally modest environment of the smart card while the verification process is implemented in a more computationally rich environment such as a personal computer, a hardware cryptographic module, or a mainframe computer.

NIST has received agreement from Department of Defense authorities that this digital signature technique may be used to sign unclassified data processed by "Warner Amendment" systems (10 U.S.C. 2315 and 44 U.S.C. 3502(2)) as well as classified data in selected applications.

A hashing function has not been specified by NIST at this time for use with the DSS. NIST has been reviewing various candidate hashing functions; however, we are not satisfied with any of the functions we have studied thus far. NIST does intend to publish a hashing function that is complementary to the DSS.

Dated: August 26, 1991.

John W. Lyons,  
Director.

Federal Information Processing Standards  
Publication XX

DRAFT 1991 August 19 DRAFT

Announcing a Digital Signature Standard

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

*Name of Standard:* Digital Signature Standard.

*Category of Standard:* ADP Operations, Computer Security.

*Explanation:* This Standard specifies a Digital Signature Algorithm (DSA) appropriate for applications requiring a

digital rather than written signature. The DSA digital signature is a pair of large numbers represented in a computer as strings of binary digits. The digital signature is computed using a set of rules (i.e., the DSA) and a set of parameters such that it can be used to verify the identity of the originator and integrity of the data. The DSA includes signature generation and verification. Generation makes use of a private key to generate a digital signature. Verification of the signature makes use of a public key which corresponds to, but is not the same as, the private key used to generate the signature. Each user possesses a private and public key pair. Public keys are assumed to be known to all members of a group of users or to the public in general. Private keys must be known only by their creators. Anyone can verify the signature of a user by employing that user's public key. Signature generation can be performed only by the possessor of the user's private key.

A hash function is used in the signature generation process to obtain a condensed version of data, called a message digest. The message digest is then signed. The digital signature is sent to the intended recipient along with the signed data (often called the message). The recipient of the message and signature verifies the signature by using the sender's public key. The same hash function must also be used in the verification process. The hash function will be specified in a separate standard. Similar procedures may be used to generate and verify signatures for stored as well as transmitted data.

*Approving Authority:* Secretary of Commerce.

*Maintenance Agency:* Computer Systems Laboratory, National Institute of Standards and Technology.

*Applicability:* This standard is applicable to all federal departments and agencies for the protection of unclassified information that is not subject to section 2315 of title 10, United States Code, or section 3502(2) of title 44, United States Code. This standard shall be used in designing and implementing public-key based signature systems which Federal departments and agencies operate or which are operated for them under contract. Private and commercial organizations are encouraged to adopt and use this standards.

*Applications:* The DSA authenticates the integrity of the signed data and the identity of the signer. The DSA may also be used in proving to a third party that data was actually signed by the generator of the signature. The DSA is intended for use in electronic mail, electronic funds transfer, electronic data interchange, software distribution, data storage, and other applications which require data integrity assurance and data origin authentication.

*Implementations:* The DSA may be implemented in software, firmware or hardware. Only implementations of the DSA that are validated by NIST will be considered as complying with this standard. Information about the requirements for validating implementations of this standard can be obtained from the National Institute of Standards and Technology, Computer



Systems Laboratory, Attn: DSS Validation, Gaithersburg, MD 20899.

**Export Control:** Implementations of this standard are subject to Federal Government export controls as specified in title 15, Code of Federal Regulations, parts 768 through 799. Exporters are advised to contact the Department of Commerce, Bureau of Export Administration for more information.

**Patents:** Implementations of the DSA in this standard may be covered by U.S. and foreign patents.

**Implementation Schedule:** This standard is effective six months after publication in the Federal Register announcing approval by the Secretary of Commerce.

**Specifications:** Federal Information Processing Standard (FIPS XX) Digital Signature Standard (affixed).

**Cross Index:**

a. FIPS PUB 46-1, Data Encryption Standard.

b. FIPS PUB 73, Guidelines for Security of Computer Applications.

c. FIPS PUB 140-1, Security Requirements for Cryptographic Modules.

**Qualifications:** The security of a digital signature system is dependent on maintaining the secrecy of users' private keys. Users must therefore guard against the unauthorized acquisition of their private keys. While it is the intent of this standard to specify general security requirements for generating digital signatures, conformance to this standard does not assure that a particular implementation is secure. The responsible authority in each agency or department shall assure that an overall implementation provides an acceptable level of security. This standard will be reviewed every five years in order to assess its adequacy.

**Waiver Procedure:** Under certain exceptional circumstances, the heads of Federal departments and agencies may approve waivers to Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, United States Code. Waiver shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system; or

b. Compliance with a standard would cause a major adverse financial impact on the operator which is not offset by Government-wide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, room B-154, Gaithersburg, MD 20899.

In addition, notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the

Committee on Government Operations of the House of Representatives and the Committee on Government Affairs of the Senate and shall be published promptly in the Federal Register.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the Commerce Business Daily as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any accompanying documents, with such deletions as the agency is authorized and decides to make under 5 United States Code section 552(b), shall be part of the procurement documentation and retained by the agency.

**Where to Obtain Copies of the Standard:** Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, refer to Federal Information Processing Standards Publication XX (FIPS PUB XX), and identify the title. When microfiche is desired, this should be specified. Prices are published by NTIS in current catalogs and other issuances. Payment may be made by check, money order, deposit account or charged to a credit card accepted by NTIS.

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## National Oceanic and Atmospheric Administration

[Docket No. 910801-1201]

### Atlantic Swordfish Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of control date for entry into the Atlantic swordfish fishery.

**SUMMARY:** This notice announces that anyone entering the Atlantic swordfish fishery after August 30, 1991 (control date), may not be assured of future access to the swordfish fishery in the Atlantic Ocean if a management regime is developed and implemented under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and/or the Atlantic Tunas Convention Act (ATCA) that limits the number of participants in the fishery. This notice is intended to promote awareness of potential eligibility criteria for access to the Atlantic swordfish fishery and to discourage new entries into the fishery based on economic speculation while the Secretary of Commerce (Secretary) contemplates whether and how fishery access to the Atlantic swordfish resource should be controlled. This announcement does not prevent

establishment of any other date for eligibility in the fishery or another method of controlling fishing effort from being proposed or implemented by the Secretary.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Stone, 301-427-2347.

**SUPPLEMENTARY INFORMATION:** The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish (FMP) and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson Act. The FMP was prepared by the five fishery management councils with jurisdiction over the waters off the east coast, the Gulf of Mexico, and the Caribbean Sea. The Fishery Conservation Amendments of 1990, Public Law 101-627, transferred management authority over the Atlantic swordfish fishery to the Secretary. By emergency rule published June 12, 1991 (56 FR 26934), the Secretary implemented management measures under the authority of the Magnuson Act to reduce significantly the fishing mortality on Atlantic swordfish. The emergency rule discusses the status of the swordfish resource and the management measures. The Secretary intends to publish permanent regulations under the authorities of the Magnuson Act and the ATCA that will govern fishing by vessels of the United States throughout the range of the North Atlantic swordfish stock, that is, the North Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, north of 5°N. latitude.

One of the concerns of the swordfish industry and the Secretary is that current participants in the fishery who will bear the brunt of the management restrictions on the fishery may not be the ones to whom future benefits accrue. To address this concern and to avoid speculative entry into a fishery that is overfished and overcapitalized, the Secretary is establishing a control date for possible limited entry. The date selected is the date of publication of this notice in the Federal Register. Vessels which have not entered the fishery prior to this date may not be allowed entry into the fishery should a limited entry program be developed. For the purposes of this notice, NMFS has not developed specific criteria to define entry into the fishery. In most cases, entry into the fishery means either purchase of a vessel or vessel permit, investment in the construction or modification of a vessel or gear for the purpose of fishing for swordfish, the documented landing of a specified quantity of swordfish, or a specified number of swordfish landings.